

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
RONALD MESSAM,

Plaintiff,

-against-

N.Y. CITY HEALTH &
HOSPITAL CORP., et al.,

Defendants.
-----X

10 Civ. 0291 (LAK) (THK)

**REPORT AND
RECOMMENDATION
(Pro Se)**

**TO: HON. LEWIS A. KAPLAN, United States District Judge.
FROM: THEODORE H. KATZ, United States Magistrate Judge.**

Plaintiff Ronald Messam ("Plaintiff"), proceeding pro se, brings this action under 42 U.S.C. § 1983 against, inter alia, the New York City Health and Hospital Corporation, staff at the Bellevue Hospital Center, various employees of the New York City Department of Correction, and several assistant district attorneys. The thrust of Plaintiff's Complaint is that he was unlawfully held captive in the Bellevue prison psychiatric wards. The case was referred to this Court for general pretrial supervision and Reports and Recommendations on dispositive motions, pursuant to 28 U.S.C. § 636 b(1) (A) (B) and (C).

The Court received a letter from Plaintiff on December 6, 2010, in which he stated that he "[did] not see the sense in going further with [his] complaint." (The letter is attached as an exhibit.) Because Plaintiff's intentions were not absolutely clear, I issued an Order on December 22, 2010, directing Plaintiff to advise the

Court by January 7, 2011, whether he was agreeable to the Court dismissing this action with prejudice. My Order further indicated that failure to respond to the Order would be taken as an agreement to dismiss the case. (The Order is attached as an exhibit.)

The Court's Order was returned to the Court, and the letter in which it was mailed indicates that it was "Refused - Return to Sender." Other correspondence sent to Plaintiff has also been refused. The Court takes this refusal to mean that Plaintiff has no interest in further participating in this action. Accordingly, the Court respectfully recommends that this action be dismissed with prejudice.

Pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from service of this Report to file written objections. See also Fed. R. Civ. P. 6(a) and (e). Such objections shall be filed with the Clerk of the Court, with extra copies delivered to the chambers of the Honorable Lewis A. Kaplan, U.S.D.J., and to the chambers of the undersigned, Room 1660. Any requests for an extension of time for filing objections must be directed to Judge Kaplan. Failure to file objections will result in a waiver of those objections for purposes of appeal. See Thomas v. Arn, 474 U.S. 140, 149-52, 106 S. Ct. 466, 472-73 (1985); Mario v. P & C Food Mkts., Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent,

219 F.3d 162, 174 (2d Cir. 2000); Small v. Sec'y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989) (per curiam).

Respectfully submitted,



THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE

Dated: January 10, 2011
New York, New York

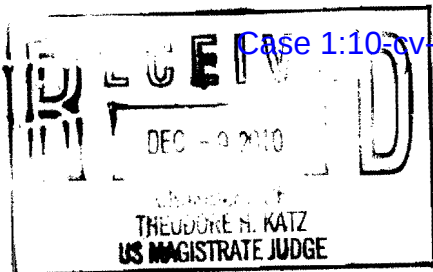
Copies mailed to:

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RONALD MESSAM
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Hon. Theodore H. Katz
United States Magistrate judge
United States District Court
United States Courthouse
Southern District of New York
500 Pearl Street
New York, New York 10007

December 6, 2010

RE: MESSAM v. NEW YORK CITY HEALTH & HOSPITAL CORP. et. al.,
Index No. 10 Civ. 00291 (LAK)(THK)

Dear Judge Katz,

Good-day to you sir. I have always known that this society is divided into two segments; 'The Haves' and 'The Have-nots'. I'm fully much aware of which segment I'm placed. I have now come to know that the principles and rules of law does not apply evenly to everyone.

After re-capping the events of the telephone confrence on December 3, 2010, I see that the Court is more of an advocate for the defendants in the above-titled action. I now don't think it would be to my benifit to keep on fighting for the equal rights and justice that I seek, as guranteed by the Constitution of this great nation.

I have noted that during the telephone confrence the Court have repeatedly answered for the defendants to my allegations and justifies their illegal acts against me. There is no way then for me to prevail in this matter against these defendants. There are other issues in my complaint that were not addressed or ruled on by the Court in the Confrence, but at this point and time, given that i anticipate that the Court will not make a ruling that is favorable to me, I do not see the sense in going any further with my complaint.

In any case Your Honor, I still do see myself as the winner

because I've exposed the imbalance in our 'Justice System' to mine own eyes and all those who are familiar with this action. I've learned and become more galvanized.

Thanks for your time Judge Katz.

Respectfully yours'

A handwritten signature in black ink, appearing to read 'Ronald Messam', written over a horizontal line.

Ronald Messam

cc: Hon. Lewis A. Kaplan
United States District Judge
United States District Court
United States Courthouse
Southern District of New York
500 Pearl Street
New York, new York 10007

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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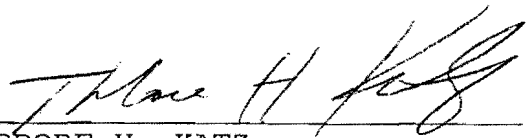
-----X
RONALD MESSAM,                :
                                :      (PRO SE)
                                :
      Plaintiffs,              :
                                :  10 Civ. 00291 (LAK) (THK)
      -against-                :
                                :
                                :      ORDER
                                :
NEW YORK CITY HEALTH AND      :
HOSPITAL CORP., et al.,      :
                                :
      Defendants.            :
-----X
THEODORE H. KATZ, UNITED STATES MAGISTRATE JUDGE

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This action was referred to this Court for general pretrial supervision. Plaintiff, proceeding pro se, submitted a letter to the Court, dated December 6, 2010, in which Plaintiff vaguely suggested that he no longer wished to pursue this case, stating that he "did not see the sense in going any further with [his] complaint."

Accordingly, the Court orders that, by January 7, 2011, Plaintiff advise the Court whether he intends to pursue his case, or whether he is agreeable to the Court dismissing this action with prejudice. Failure to respond to this Order will be taken as an agreement to dismiss the case.

SO ORDERED.


THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE

Dated: December 22, 2010
New York, New York

Copies mailed to:

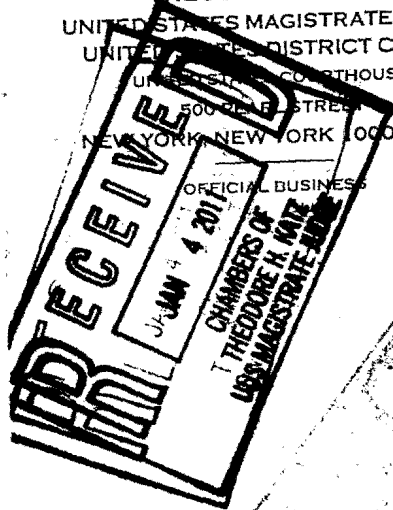
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THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT
UNIVERSITY COURTHOUSE
500 PARK STREET
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*Return to
Sender*

Ronald Messam
10-A-3889

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